



# The Journal of Appellate Practice and Process

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## A Favorite

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# THE JOURNAL OF APPELLATE PRACTICE AND PROCESS

## FOREWORD

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### A FAVORITE

An editor treats every essay, every article, and every practice note with the same care. And she looks forward with the same happy anticipation to seeing every issue in print. She doesn't play favorites. She can have favorites, however, and this issue is one of mine.

We offer in these pages a group of articles and a practice note that combine to make this issue as useful and interesting as any we have ever published. And our lead essay, yet another installment in what has turned out to be an occasional series of oral-argument stories told by appellate judges, is a particularly charming addition to that collection. I am happy to have every one of these contributions, but my favorite part of this issue is its special section.

The essays by former appellate judges featured in this issue seem to me to cover a topic too seldom addressed. Few appellate judges have written about stepping down from the bench in order to take up new challenges. This has left something of a gap in the legal literature, and I am pleased to know that the thoughtful papers in *After the Bench* will begin to fill it. And because I daydream about a future that includes a well-thumbed copy of this issue in the library of every appellate court, I hope too that active judges will find these essays useful when they begin to contemplate the next chapters of their own lives.

All that said, I confess that my attachment to *After the Bench* goes beyond the professional satisfaction that accompanies a job well done. I have in editing these papers worked with six remarkable judges, each of whom held me to a high standard while displaying extraordinary warmth and kindness. I know that I am lucky to have had this opportunity.

#### A RESIGNATION

You may have noticed that D.P. Marshall Jr., one of our long-time contributing editors, does not appear on this issue's list of editorial board members. He has in fact resigned, but his reason for doing so is a happy one: Earlier this year he became a member of the Arkansas Court of Appeals. We wish Price well as he begins his career on the bench, and we hope of course that he will eventually become one of our judicial authors.

#### A REMINDER

The inside back cover of this issue includes information about the Eisenberg Prize, an annual award established by the American Academy of Appellate Lawyers to encourage the publication of high-quality articles in the field of appellate practice and procedure. The deadline for submissions is July 10, 2007, so those of you hoping to have your work considered for this year's Prize will want to keep that date in mind.

NBM  
Little Rock  
April 19, 2007